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January 9, 2004

VIA FEDERAL EXPRESS

Mr. Thomas M. Dorman
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

RECEIVED

JAN 12 2004

PUBLIC SERVICE
COMMISSION

RE: *In the Matter of: Petition of CTA Acoustics, Inc. to Retain Kentucky Utilities
Company as Power Supplier*
KPSC Case No. 2003-00226
ON&W File No. 1/305

Dear Mr. Dorman:

Enclosed please find and accept for filing the original and ten (10) copies of Kentucky Utilities Company's Second Set of Requests for Information, Documents and Admissions to Cumberland Valley Electric, Inc. in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copy and return it to me in the enclosed self-addressed stamped envelope.

Should you have any questions or need any additional information, please contact me at your convenience.

Yours very truly,

J. Gregory Cornett

JGC/ec

Enclosures

cc: Parties of Record (w/ encl.)
Linda S. Portasik, Esq. (w/ encl.)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 12 2004

PUBLIC SERVICE
COMMISSION

In the Matter of:

PETITION OF CTA ACOUSTICS, INC.)	
TO RETAIN KENTUCKY UTILITIES)	CASE NO. 2003-00226
COMPANY AS POWER SUPPLIER)	

KENTUCKY UTILITIES COMPANY'S SECOND SET
OF REQUESTS FOR INFORMATION, DOCUMENTS
AND ADMISSIONS TO CUMBERLAND VALLEY ELECTRIC, INC.

Kentucky Utilities Company ("KU") submits these additional requests for information, documents and admissions to Cumberland Valley Electric, Inc. ("CVE"). As used herein, "Documents" include all correspondence, memoranda, e-mail, computer data or records, notes, maps, drawing, surveys or other written or electronically recorded materials, whether external or internal, of every kind or description, in the possession of or accessible to CVE, its witnesses or its counsel.

The phrase "Business Park" shall mean the Southeast Kentucky Regional Business Park, the service to which is at issue in this proceeding, and which is depicted on the map attached to the direct testimony of Richard Harp as CTA Exhibit 1. The phrase "CTA facility" shall mean, where applicable, Lot #1A on the Business Park and/or the building(s) constructed or being constructed by or for CTA Acoustics, Inc. on the Business Park.

Where any date is requested, if a specific date is not known then CVE is requested to provide an approximate date to the best of its ability.

These requests shall be deemed continuing so as to require further and supplemental responses if CVE receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing herein.

Any request to CVE shall also be considered a request to East Kentucky Power Cooperative ("EKPC") to the extent CVE can obtain information from EKPC.

If any request is considered or claimed to be vague, unclear or confusing in any way, please contact counsel for KU before merely objecting on said grounds.

1. State completely and with specific detail the entire factual basis for the statement, at pages 9-10 of CVE's Response to the Objection of CTA to CVE's Motion to Dismiss and Motion for Summary Judgment, that "KU required at least two additional significant upgrades of its facilities in the area since the Interim Order of July 21, 2003."

ANSWER:

2. State completely and with specific detail the entire factual basis for the statement, at page 9 of CVE's Response to the Objection of CTA to CVE's Motion to Dismiss and Motion for Summary Judgment, that "KU and CTA have been working together since late March, 2003 to maintain KU's service to CTA."

ANSWER:

3. Does CVE contend that KRS 278.016 does not, either in whole or in part, express the legislative intent behind, and purpose in enacting, the Certified Territories Act? If so, state in detail the factual and legal basis for that contention.

ANSWER:

4. With regard to the map produced as Atchison Rebuttal Exhibit 1:
- a) State the relevance, if any, which CVE contends its residential lines, shown on that map, have to this proceeding; and
 - b) Admit that the map does not show all of KU's facilities in the vicinity (defined in whatever way CVE or EKPC defined "vicinity" in putting together and labeling that map) of the Business Park.

ANSWER:

5. With regard to the rebuttal testimony of Joseph E. Perry, III:
- a) state completely and with specific detail the entire factual basis for each and every part of Mr. Perry's A4, given on page 2, lines 12-16 of his rebuttal testimony;
 - b) state completely and with specific detail the entire factual basis for that part of Mr. Perry's A6 which is given on page 3, lines 10-19 of his rebuttal testimony;
 - c) describe completely and with specific detail each and every step or action taken, and each and every thing done, by Mr. Perry as part of his "extensive field review" of KU's distribution system, and provide a

discussion of specifically each and every part of KU's system which was reviewed;

- d) state completely and with specific detail the entire factual basis for each and every part of Mr. Perry's A8, which appears beginning on page 4, line 17 and ends on page 5, line 4 of his rebuttal testimony;
- e) state completely and with specific detail the entire factual basis for that part of Mr. Perry's A9 which appears at page 5, lines 9-12 of his rebuttal testimony;
- f) state completely and with specific detail the entire factual basis for that part of Mr. Perry's A9 which appears at page 5, lines 13-15 of his rebuttal testimony;
- g) state completely and with specific detail the entire factual basis for that part of Mr. Perry's A9 which appears at page 5, lines 16-17 of his rebuttal testimony; and
- h) state completely and with specific detail the entire factual basis for that part of Mr. Perry's A9 which appears at page 5, lines 18-19 of his rebuttal testimony.

ANSWER:

6. Produce copies of any and all CVE and/or EKPC planning studies, whether long-range or not, which in any way involve plans for providing electric service to any loads in the Business Park.

ANSWER:

7. In response to KU's Initial Request 211, CVE acknowledged that Joseph Perry was being compensated by CVE at "standing hourly rates of Patterson & Dewar Engineers plus expenses." What specifically are those "standing hourly rates"? How much has CVE: (a) been billed by Mr. Perry or Patterson & Dewar Engineers to date for work and time (including expenses) related to this matter, and (b) actually paid to Mr. Perry or Patterson & Dewar Engineers to date for work and time (including expenses) related to this matter? How many hours have Mr. Perry or Patterson & Dewar Engineers spent working, and how much expenses has he or it incurred, related to this matter since first retained by CVE and/or EKPC?

ANSWER:

8. What is the hourly rate which Ronald L. Willhite is charging to CVE for his work and time related to this matter? How many hours has Mr. Willhite spent working, and how much expenses has he incurred, related to this matter since first retained by CVE and/or EKPC?

ANSWER:

9. What does CVE contend is the definition of an electric consuming facility? Do any of CVE's witnesses, including experts, disagree with that definition?

ANSWER:

10. Please provide all existing or available outage and/or reliability data, history, figures, or information for each and every one of the past 5 years for the existing feed and the alternate feed, if any, for the circuit that CVE proposes to use to provide permanent service to

CTA. If you contend that no such data, history, figures or information is available, explain in specific detail why it is not available or able to be calculated and provided.

ANSWER:

11. State each and every time that Joseph Perry has visited or examined the Business Park, and each and every time he has visited or examined KU's distribution system in the area of the Business Park.

ANSWER:

12. State each and every time that Ronald Willhite has visited or examined the Business Park, and each and every time he has visited or examined KU's distribution system in the area of the Business Park.

ANSWER:

13. Does CVE or any of its witnesses disagree with KU's contention that its three-phase line on the Business Park, completed in October 2002, was built for the purpose of supporting the electric infrastructure of the Business Park? If so, state completely and with specific detail the entire factual basis for that disagreement, and produce any documents which support the position of CVE or its witnesses on that point.

ANSWER:

14. Has Joseph Perry performed any design, engineering or planning studies or models of KU's system or its ability to provide adequate and dependable service to CTA and/or

the Business Park? If so, describe each such study or model in specific detail, and produce copies of each such study or model.

ANSWER:

15. Has Joseph Perry performed any additional work to evaluate or analyze KU's system, or KU's ability to provide adequate, dependable service to CTA and/or the Business Park, since the filing of his rebuttal testimony? If so, describe that work in specific detail, and provide copies of every document supporting that additional work.

ANSWER:

16. Provide a complete answer to KU's original Request No. 14 to CVE.

ANSWER:

17. Does Charles Buchanan believe or contend that the question, issue or possibility of having one electric supplier to the Business Park was never at any point before 2003 raised, discussed or considered by the Southeast Kentucky Regional Industrial Development Authority, Inc. (the "Authority")? State completely and with specific detail the entire factual basis for the answer to that question, whether that answer is affirmative or negative, and produce all documents supporting that answer.

ANSWER:

18. In response to KU's initial Request No. 24-1A, CVE answered with reference to load in terms of kVA. Answer that same Request with reference to load in terms of MW.

ANSWER:

19. Does CVE contend, or will it contend at the hearing or in any post-hearing brief in this matter, that its ability to obtain loans on favorable terms will be, may be, or could be negatively affected in any way if the Commission rules in favor of CTA's Petition in this case? If so, state completely and with specific detail the entire factual basis for that contention, and produce any documents or legal authorities which you believe or argue supports such contention.

ANSWER:

20. Did CVE or EKPC seek, request, solicit or in any way encourage the National Bank for Cooperatives ("CoBank") or the National Rural Utilities Cooperative Finance Corporation ("CFC") to contact the Commission to communicate or express an opinion in any way relating to or regarding the matters at issue in this proceeding? If so, state the date on which CVE or EKPC contacted CoBank and/or CFC, and produce any documents regarding, concerning or relating to such contact(s).

ANSWER:

21. Does CoBank or CFC presently have any loan(s) or guarantee(s) outstanding to CVE or EKPC? If so, produce a copy of the agreement for each such loan or guarantee, and all documents embodying or referring to any term of such loan(s) or guarantee(s).

ANSWER:

22. Does any lender or lending institution other than CoBank or CFC presently have any loan(s) or guarantee(s) outstanding to CVE or EKPC? If so, state the name of the lender or institution and produce a copy of the agreement for each such loan or guarantee, and all documents embodying or referring to any term of such loan(s) or guarantee(s).

ANSWER:

23. Produce color copies of all site photographs taken by Joseph Perry as referenced in CVE's response to KU's Initial Request No. 23.

ANSWER:

24. State completely and with specific detail the entire factual basis for Ronald Willhite's rebuttal testimony, at p. 12, lines 10-13, that KU "on April 21, 2003 ... advised CTA of their ability to serve CTA without discussions with CVE." Produce all documents which you contend support that testimony.

ANSWER:

25. State completely and with specific detail the entire factual basis for CVE's contention, at p. 3 of its Supplemental Response to KU's Information Requests Nos. 14 and 34, that KU "would have to spend \$218,000" and "would be limited to 4.7 mva of total load" to serve the "Spec Building and the CTA planned load." Produce all studies, work papers and other documents supporting that contention. What is the level of the "CTA planned load" which CVE refers to in that Supplemental Response?

ANSWER:

26. State completely and with specific detail the entire factual basis for CVE's contention, at p. 4 of its Supplemental Response to KU's Information Requests Nos. 14 and 34, that "there exists only one possible scenario under which" KU could serve up to 6400 kva of load on the Business Park without additional improvements. Produce all studies, work papers and other documents supporting that contention.

ANSWER:

27. State completely and with specific detail the entire factual basis for CVE's contention, at p. 4 of its Supplemental Response to KU's Information Requests Nos. 14 and 34, that KU's plan for serving the Business Park, as set forth in KU's data responses, would result in loading of KU's "equipment beyond their ultimate ratings." Produce all studies, work papers and other documents supporting that contention.

ANSWER:

28. State completely and with specific detail the entire factual basis for CVE's contention, at p. 4 of its Supplemental Response to KU's Information Requests Nos. 14 and 34, that "CVE can serve more load with less improvements than KU." Produce all studies, work papers and other documents supporting that contention.

ANSWER:

29. State completely and with specific detail the entire factual basis for CVE's contention, at p. 5 of its Supplemental Response to KU's Information Requests Nos. 14 and 34, that "KU cannot serve more than 4.7 mva in the Park including the Spec Building and CTA's

planned load even with significant system line upgrades.” Produce all studies, work papers and other documents supporting that contention.

ANSWER:

30. State completely and with specific detail the entire factual basis for CVE’s contention, at p. 5 of its Supplemental Response to KU’s Information Requests Nos. 14 and 34, that “KU would need to upgrade circuit 289 which connects the US Steel substation to the 12 kv feeders north to CSX and south to Woodbine with 795 ACSR (and sub work).” Produce all studies, work papers and other documents supporting that contention.

ANSWER:

31. State completely and with specific detail the entire factual basis for CVE’s contention, at p. 5 of its Supplemental Response to KU’s Information Requests Nos. 14 and 34, that “KU would also need to replace the 1.56 miles of 266 ACSR conductor running south toward Woodbine to the Corbin Bypass with 397 ACSR.” Produce all studies, work papers and other documents supporting that contention.

ANSWER:

32. State completely and with specific detail the entire factual basis for CVE’s contention, at p. 5 of its Supplemental Response to KU’s Information Requests Nos. 14 and 34, that “KU would need to add three capacitor banks at a cost of \$14,400.” Produce all studies, work papers and other documents supporting that contention.

ANSWER:

33. State completely and with specific detail the entire factual basis for CVE's contention, at p. 8 of its Supplemental Response to KU's Information Requests Nos. 14 and 34, that KU has admitted that "a significant portion of KU's feeder is inaccessible for timely operations, and is in need of maintenance." Produce all documents supporting that contention.

ANSWER:

34. For each and every item under the headings of "Costs to KU" and "Costs to CVE" on Exhibit 1 to CVE's Supplemental Response to KU's Information Requests Nos. 14 and 34:

- a) state completely and with specific detail the entire factual basis for the contention that each described item is needed or required to provide adequate and dependable service to the Business Park;
- b) state completely and with specific detail the entire factual basis for the cost estimate provided; and
- c) provide copies of all documents supporting your response to subparts a) and b) above.

ANSWER:

35. Admit that CVE is no longer providing any service to the CTA site on the Business Park.

ANSWER:

36. Admit that CVE plans to remove the line used to provide service to a contractor at the CTA site from its present location. State the date on which CVE plans to so remove the line.

ANSWER:

37. State the date on which CVE was first requested to provide service to the residence located at 323 Briar Wood Trace, and the date on which CVE first provided such service. Produce a copy of all contracts for such service and any document verifying the date on which service was first requested and on which service was first rendered.

ANSWER:

38. State the date on which CVE was first requested to provide service to the residence located at 311 Briar Wood Trace, and the date on which CVE first provided such service. Produce a copy of all contracts for such service and any document verifying the date on which service was first requested and on which service was first rendered.

ANSWER:

39. State the date on which CVE was first requested to provide service to the residence located at 761 Oak Ridge Road, and the date on which CVE first provided such service. Produce a copy of all contracts for such service and any document verifying the date on which service was first requested and on which service was first rendered.

ANSWER:

40. State the date on which CVE was first requested to provide service to the water tower located just north of the Business Park, as depicted on Atchison Rebuttal Exhibit 1, and the date on which CVE first provided such service. Produce a copy of all contracts for such service and any document verifying the date on which service was first requested and on which service was first rendered.

ANSWER:

41. Does CVE contend that KU agreed to permit CVE to provide service to the water tower located just north of the Business Park, as depicted on Atchison Rebuttal Exhibit 1, that CVE requested approval from the PSC to provide such service, or that CVE obtained approval from the PSC to provide such service? If so, produce a copy of all documents supporting each such contention.

ANSWER:

42. Produce copies of any and all documents which refer to or indicate the existence of an agreement from, or approval by, KU, for CVE to serve:

- a) the residence located at 323 Briar Wood Trace;
- b) the residence located at 311 Briar Wood Trace; and
- c) the residence located at 761 Oak Ridge Road.

ANSWER:

43. Admit that CVE was not aware, at any time before CTA's Petition was filed in this case, that the speculative building on the Business Park was located partially in CVE's territory. State the date, or approximate date if a specific date is not known, on which CVE first became aware that the speculative building was located partially in CVE's territory and partially in KU's territory.

ANSWER:

44. State the date, or approximate date if a specific date is not known, on which CVE first became aware that KU had constructed facilities to, or near, the speculative building. State the date, or approximate date if a specific date is not known, on which CVE first became aware that KU was actually providing service to the speculative building.

ANSWER:

45. With regard to Bosta Exhibit WAB-1, provide 2003 hours of interruption (interruptible credit) and buy-through costs (buy-through hours, cost \$/mwh, and buy-through \$).

ANSWER:

46. Provide all documents of any kind which reflect or relate to Mr. Perry's service to CVE and/or EKPC with respect to this proceeding, Case No. 2003-00226.

ANSWER:

47. Provide a full and complete answer to CTA Requests 5, 12, 13, 14, and 15 previously served on CVE.

ANSWER:

48. Provide a map of the Business Park which also shows the locations of the Liberty Church Substation, the Bacon Creek Substation, and the North Corbin/Rockholds Substation, whether existing or planned.

ANSWER:

49. For each of the most recent 12 months, state the peak load (demand) for all customers served by CVE in the Tri-County Industrial Park. Provide the same data for each month in 2001 and 2002.

ANSWER:

50. With regard to Exhibit 1 to CVE's Supplemental Response to KU's Information Requests Nos. 14 and 34, Phase II, Costs to KU Item 2, what maximum rating (in amps) has CVE assumed for the 266 ACSR section identified in that item? State in detail the complete factual basis for that assumption, and produce any documents which support or relate to that assumption.

ANSWER:

51. With regard to Exhibit 1 to CVE's Supplemental Response to KU's Information Requests Nos. 14 and 34, Phase II, Costs to KU Item 3, what maximum rating (in amps) has CVE assumed for the 266 ACSR section identified in that item? State in detail the complete factual basis for that assumption, and produce any documents which support or relate to that assumption.

ANSWER:

52. With regard to Exhibit 1 to CVE's Supplemental Response to KU's Information Requests Nos. 14 and 34, Phase II, Costs to KU Item 4, what maximum rating (in amps) has CVE assumed for the 266 ACSR section identified in that item? State in detail the complete factual basis for that assumption, and produce any documents which support or relate to that assumption.

ANSWER:

53. With regard to the reference to 2900 feet in Exhibit 1 to CVE's Supplemental Response to KU's Information Requests Nos. 14 and 34, Phase II, Costs to KU Item 4, identify specifically the location of the 2900 feet section being referenced.

ANSWER:

54. What existing load does CVE contend, believe or understand is present on KU's Corbin East substation transformer (kW and pf)? State in detail the complete factual basis for that contention, belief or understanding, and produce any documents which support or relate to that contention, belief or understanding.

ANSWER:

55. What existing load (amps) does CVE contend, believe or understand is present on Circuit 289? State in detail the complete factual basis for that contention, belief or understanding, and produce any documents which support or relate to that contention, belief or understanding.

ANSWER:

56. What existing load (amps) does CVE contend, believe or understand is present on Circuit 288? State in detail the complete factual basis for that contention, belief or understanding, and produce any documents which support or relate to that contention, belief or understanding.

ANSWER:

57. What existing load (amps) does CVE contend, believe or understand is present on Circuit 289 for the portion of the circuit on the “12kv feeders north to CSX” as referenced on page 5 of CVE’s Supplemental Response to KU’s Information Requests Nos. 14 and 34? State in detail the complete factual basis for that contention, belief or understanding, and produce any documents which support or relate to that contention, belief or understanding.

ANSWER:

58. What existing load (amps) does CVE contend, believe or understand is present on Circuit 289 for the portion of the circuit “south to Woodbine” as referenced on page 5 of CVE’s Supplemental Response to KU’s Information Requests Nos. 14 and 34? State in detail the complete factual basis for that contention, belief or understanding, and produce any documents which support or relate to that contention, belief or understanding.

ANSWER:

59. What does CVE contend, believe or understand to be the normal and maximum rating (kVA) of the KU Corbin US Steel substation transformer(s)? State in detail the complete factual basis for that contention, belief or understanding, and produce any documents which support or relate to that contention, belief or understanding.

ANSWER:

60. With regard to CVE's response to CTA's previous Request No. 3, has CVE / Mr. Perry provided the entire output for this model? Produce copies of any other runs of that model which were or can be run. Produce copies of all output, explanatory materials, correspondence, memos or other documents relating to that model or the computer program from which it was run.

ANSWER:



J. Gregory Cornett
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Louisville, Kentucky 40202
(502)582-1601

Linda S. Portasik
Senior Corporate Attorney
LG&E Energy LLC
220 West Main Street
Louisville, Kentucky 40202

Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

It is certified that a true and correct copy of the foregoing was served via electronic transmission and/or U.S. Mail, postage prepaid (as noted below), this 9th day of January, 2004 upon:

C. Kent Hatfield, Esq.
Stoll Keenon & Park
2650 Aegon Center
400 West Main St.
Louisville, Kentucky 40202
(Via e-mail and U.S. Mail)

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Ted Hampton
Manager, Cumberland Valley Electric, Inc.
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(Via U.S. Mail only per agreement with counsel for CVE)

R.S. Terrell
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101 North Depot Street
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Counsel for Kentucky Utilities Company